IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4822 OF 2005

Shantabai Dada Yadav : Petitioner
(Defendant)

V/s.

Ankush Shankar Yadav : Respondent
(Plaintiff)

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Mr.P.R.Arjunwadkar for the petitioner.

None present for the respondent.

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CORAM : S.A. BOBDE, J.

July 26, 2005.

P.C.:

1. By this petition, the petitioner has challenged the order dated 30.3.2005 passed by the Civil Judge, Junior Division, Mangalwedha, refusing to appoint a Commissioner. The petitioner's case before the trial Court was that when commission was issued earlier, the T.I.L.R. measured the land bearing gat nos.640 and 641, belonging to the defendant, instead of land bearing gat nos.641 and 642. The learned trial Court has, upon perusal of the map submitted by the Cadastral Surveyor found that land bearing gat nos.641 and 642 was, in fact, measured on

21.2.2002. Therefore, the trial Court has not granted the request for issue of fresh commission again. I see no error of law, jurisdictional or otherwise in the impugned order.

2. Accordingly, the petition is dismissed. All contentions of the petitioner on merits are kept open.

S.A. BOBDE, J.